

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CLAUDIA D. DIPRINZIO,	:	
	:	Civil Action
Plaintiff,	:	
	:	
v.	:	No. 04-872
	:	
MBNA AMERICA BANK, N.A.,	:	
	:	(Smith, J.)
Defendant.	:	
_____	:	

**DEFENDANT MBNA AMERICA BANK, N.A.'S
AMENDED PROPOSED JURY VERDICT FORMS**

Defendant MBNA America Bank, N.A. hereby requests that the following jury verdict forms be submitted to the jury by the Court at the close of this case.¹ MBNA reserves the right to supplement or change these forms at the close of the evidence offered at trial.

Respectfully submitted,

Dated: September 12, 2005

/s/ Karl S. Myers (VSC # KSM2012)
Paul M. Hummer, Esquire
Karl S. Myers, Esquire
Pa. Id. Nos. 46413 & 90307
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Centre Square West
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Attorneys for Defendant
MBNA America Bank, N.A.

¹ Defendant's Proposed Jury Verdict Forms are "Amended" because a prior version was submitted to the Court when the matter was pending before Judge Ludwig. This Amended version accounts for the Court's dismissal of Count III of the Complaint and Plaintiff's voluntary dismissal of Counts II and V, and also accounts for Defendant's requested bifurcation of Plaintiff's punitive damages claims.

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_____	:	

**JURY VERDICT
COUNT I – FAIR CREDIT REPORTING ACT**

We, the jury, unanimously answer the following questions:

After receiving notice of the plaintiff's credit reporting disputes from Equifax and Experian on March 27, 2003:

1. Did the defendant conduct a reasonable investigation of the disputes submitted by Equifax and Experian?

YES

NO

2. Did the defendant report the results of the investigations to Equifax and Experian?

YES

NO

3. For any investigation(s) that resulted in a finding of incomplete or inaccurate information, did the defendant report the results of the investigation(s) to the other two consumer reporting agencies?

YES

NO

If you answered “YES” to each of the above questions, **STOP** your deliberations on this Count. If you answered “NO” to any of the above questions, proceed to the next question.

5. As a result of the question(s) you answered “NO” above, what are the plaintiff’s damages?

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Jury Foreperson

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**JURY VERDICT
COUNT IV – NEGLIGENCE**

We, the jury, unanimously answer the following questions:

1. Do you find that the defendant furnished false information to the credit reporting agencies with malice or willful intent to injure the plaintiff?

YES

NO

If you answered “NO” to the above question, **STOP** your deliberations on this Count. If you answered “YES,” proceed to the next question.

2. Was the defendant’s conduct a factual cause of the harm to the plaintiff?

YES

NO

If you answered “NO” to the above question, **STOP** your deliberations on this Count. If you answered “YES,” proceed to the next question.

3. Was the plaintiff herself negligent?

YES

NO

If you answered “NO” to the above question, **SKIP** question 4 and proceed to question 5. If you answered “YES” to the above question, proceed to question 4.

4. Was the plaintiff's contributory negligence a factual cause of any harm to her?

YES

NO

Proceed to the next question.

5. Taking the combined harm to the plaintiff as 100 percent, what percentage of that was attributable to the defendant and what percentage was attributable to the plaintiff?

Percentage attributable to the defendant (answer only if you have answered "YES" to both questions 1 and 2):

_____%

Percentage attributable to the plaintiff (answer only if you have answered "YES" to both questions 3 and 4):

_____%

Total = 100%

If you found the plaintiff's causal negligence to be more than 50 percent, **STOP** your deliberations on this Count. If you found otherwise, proceed to the next question.

6. What is the amount of damages, if any, sustained by the plaintiff, without regard to and without reduction by the percentage of causal negligence, if any, that you have attributed to the plaintiff?

\$ _____

Jury Foreperson

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	:	
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	:	
_____	:	

JURY VERDICT
PUNITIVE DAMAGES

We, the jury, unanimously answer the following questions:

1. Do you find that the plaintiff is entitled to an award of punitive damages against the defendant?

YES

NO

If you answered “NO” to the above question, **STOP** your deliberations regarding punitive damages. If you answered “YES,” proceed to the next question.

2. What is the amount of punitive damages you have decided to award to the plaintiff?

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Jury Foreperson

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_____	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Defendant MBNA America Bank, N.A.'s Amended Proposed Jury Verdict Forms* was served today upon counsel for the parties by hand delivery, as follows:

John Soumilas, Esquire
Francis & Mailman, P.C.
Land Title Building, 19th Floor
100 South Broad Street
Philadelphia, PA 19110
Counsel for Plaintiff

Dated: September 12, 2005

/s/ Karl S. Myers (VSC # KSM2012)